

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**March 11, 2019**

The Westfield Board of Adjustment met on Monday, March 11, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

**REGULAR MEETING:**

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Allyson Hroblak, Matt Sontz, Mary Doyle  
ABSENT: Eldy Pavon and James Keenoy  
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

**ADOPTION OF MINUTES:**

Chairman Masciale called for a motion to adopt the minutes of the February 13, 2019, meeting. Frank Fusaro made a motion to adopt the minutes; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Eldy Pavon and James Keenoy

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the February 13, 2019, meeting:

**Alexandro & Krista Posada, 822 Village Green**, application approved with conditions.

**Mark Dow, 247 Prospect Street**, extension of time approved.

**CGFR LLC., C/O Ralph Rapuano, 214 E. Grove Street**, application denied.

**Avalon Bay Communities, Inc., 177 East Broad Street/105 Elm Street**, application approved with conditions.

Carla Bonacci made a motion to adopt the resolutions; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Eldy Pavon and James Keenoy

Motion carried.

*Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).*

### **OTHER BUSINESS:**

#### **♦2018 Board of Adjustment Annual Report**

Chairman Masciale stated the report is still under review by the Board, and adoption will be carried to the next meeting.

### **CARRIED FROM FEBRUARY 13, 2019:**

#### **Kevin & Michelle McGurn, 421 Birch Avenue**

12/18/2018

Applicants are seeking approval to expand an existing garage contrary to Section 12.04F1, 13.01G1b, and 13.01I1 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 21.85%. Ordinance requires an accessory structure greater than 500 square feet to be located a minimum of 10 feet from the side and rear lot lines. Proposed is 3.7 feet. Ordinance allows a maximum height of 15 feet for an accessory structure. Proposed is 15 feet 6 inches. **Application deemed complete January 11, 2019. 120 day decision is May 11, 2019.**

Chairman Masciale swore in Michelle McGurn and Robert Algarin (225 Lenox Avenue). The Board accepted Mr. Algarin's credentials as a licensed architect.

Mr. Algarin marked photos of the existing garage as Exhibit A-1. He stated the applicant is proposing a garage addition, which will be against the rear yard and garage of their neighbor on Highland Avenue. There is an existing fence and a lot of landscaping between the two properties. Mr. Algarin stated the side yard setback and the garage height are existing non-conformities. The building coverage is being increased to 21.85% because there are 3 landings that were added in 2012. The landings did not count towards the building coverage when they were added, but the landings now count towards coverage. The garage addition will have little effect on the neighboring properties, and all materials will match the existing garage.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board agreed the garage setback and height are pre-existing conditions, and the applicant is trying to maintain the existing garage rather than building a new one. The garage addition would not be visible from the street and would not have any impact on the surrounding neighborhood.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Robert Benacchio seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon and James Keenoy

Motion carried.

Application approved.

**Jeanne Martel, 250 Seneca Place**

11/20/2018

Applicant is seeking approval to construct a one-story addition, which includes a one-car garage, contrary to Section 11.09E5 and 12.04F1 of the Land Use Ordinance. Ordinance requires a street side yard setback of 20 feet. Proposed is 4 feet 8 inches. Ordinance allows a maximum building coverage of 20%. Proposed 20.32%. **Application deemed complete January 29, 2019. 120 day decision date is May 29, 2019.**

Chairman Masciale swore in Jeanne Martel and David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Ms. Martel stated they purchased the property a few years and there is not a garage. Currently, there is a shed on the property for storage, but it does not fit a lot of things. The property is a corner lot, which is next to a large area of undeveloped, town-owned land along Coleman Place. Ms. Martel stated she spoke to the Town Engineer and confirmed there are not any plans to use that portion of town-owned property. An email from the Town Engineer was marked as Exhibit A-1. The proposed attached garage and mudroom addition will be 4.8 feet into the side yard setback. Ms. Martel stated it seems like the side yard setback variance is extreme, but a detached a garage at the rear of the property would use a lot of the backyard space.

Mr. Bailey went through the plans with the Board. He stated a one-story addition is proposed, which includes a mudroom and a new attached garage. Currently when you come in the back door of the house, you come right into the kitchen. A new stoop and entrance into the mudroom will be added. The attached garage will be the minimum size for a functioning garage, 12x22. If a detached garage was to be built in the rear of the property, it would be in the middle of the backyard because of the 20-foot side yard setback required for a corner property. Mr. Bailey stated a one-car garage is required for the R-6 zone, and the applicant currently does not have a garage.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board was concerned with the side yard setback and the garage being in close proximity to the town owned property. A detached garage would take up a lot of the backyard space because of the minimum side yard setback requirement. It was agreed that the applicant is trying to cure the non-conformity of not having a garage, and there are trees and shrubs which will provide screening. The street is not a high traffic street and there is not any neighbor that would be impacted. A condition of approval would be the shed be removed as testified by the applicant and the porch remains open.

Robert Benacchio made a motion to approve; Matt Sontz seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Robert Benacchio, Matt Sontz, Mary Doyle
OPPOSED:	Carla Bonacci and Allyson Hroblak
ABSTAINED:	None
ABSENT:	Eldy Pavon and James Keenoy

Motion carried.

Application approved.

**George Rizk, 370 Orenda Circle**

2/1/2019

Applicant is seeking approval to install rooftop solar panels contrary to Section 13.07E4a of the Land Use Ordinance. Ordinance does not allow solar panels to be located on street facing roof planes or street facing facades. Proposed are solar panels on the street facing roof plane. **Application deemed complete February 14, 2019. 120 day decision date is June 14, 2019.**

Chairman Masciale swore in George Rizk, and Jonathan Jones, Regional Operations Manager for Tesla Energy. Mr. Rizk stated the only the place to install the solar panels is on the street side because that is the only area that gets maximum sun. There are not any other placement options for the panels, as there would not be enough sun to provide efficient electricity to the house. Mr. Jones stated the panels that were selected for this job include a black back sheet so the panels would be close to all black, and would be close to the color of the roof shingles. The panels are aesthetically pleasing, and the hardware system allows the panel to be mounted within a few inches of the roof surface. It is capable of being from 3 to 4 inches off the actual roofing shingle. There will not be a glare from the panels as they are designed with an anti-reflective coating. Using a front facing mounting plane, 94% of the home's energy would be covered. Mr. Jones stated panels installed in another location would be useless, and ground mounted panels would take up the entire back yard.

Open to the public for questions and comments. None. Closed to public questions and comments.

While the Board liked the idea of solar panels, it was agreed there was some concern about what was being proposed having a visual impact on the front of the house. The solar panel ordinance is straight forward and is intended to protect the aesthetics of the home and the neighborhood.

Chairman Masciale called for a motion. Matt Sontz made a motion to deny the application; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Matt Sontz,  
Carla Bonacci

OPPOSED: Mary Doyle and Allyson Hroblak

ABSTAINED: None

ABSENT: Eldy Pavon and James Keenoy

Motion carried.

Application denied.

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Chairman Masciale announced the following application is carried to the April 8th meeting:

**Eric Muchalski, 909 North Avenue**

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**Thomas & Brittany Moore, 1121 Wychwood Road**

1/7/2019

Applicants are seeking approval to construct an addition contrary to Section 12.04F1, 11.06E6, 11.06E7, and 11.06E13 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 23.53%. Ordinance requires a minimum side yard setback of 12.5 feet. Proposed is 9.06 feet. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 33 feet. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 34.25 feet. **Application deemed complete January 18, 2019. 120 day decision is May 18, 2019.**

Chairman Masciale swore in Thomas Moore and Robert Algarin (225 Lenox Avenue). The Board accepted Mr. Algarin's credentials as a licensed architect.

Mr. Algarin stated the property is located in Mountainside & Westfield. The roof will be raised one story, but the footprint and the main section of the house will be unchanged. Photos were marked as Exhibit A-1. There is an existing one car garage, with a two-car garage proposed. The lot is only 8,414 square feet and is in the RS-12 zone, where the minimum lot size required is 12,000 square feet. In Mountainside, the minimum lot size required is 15,000 square feet. The side yard, rear yard, and continuous wall variances are all pre-existing, non-conforming conditions. By adding the one-story element, the home is going from 3 bedrooms to 5 bedrooms. A two-car garage is required by ordinance in the RS-12 zone, and it is also required in Mountainside as well. The addition to the garage is what is increasing the building coverage.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board agreed the coverage is being increased because of the proposed two-car garage. The other variances are pre-existing, and the continuous wall has windows to break it up. The two-car garage is bringing the property more into conformity with the ordinance, and the applicant is being respectful by not asking for more than what they need.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Allyson Hroblak seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Eldy Pavon and James Keenoy

Motion carried.

Application approved.

**Columbus West, LLC., 532 Cumberland Street**

11/28/2018

Applicant is seeking approval to construct a new two-family dwelling contrary to Section 11.12E2b, 11.12E3b, 11.12E12 of the Land Use Ordinance. Ordinance requires a minimum lot width of 60 feet. Proposed is 54.5 feet. Ordinance requires a minimum lot frontage of 60 feet. Proposes is 54.5 feet. Ordinance requires a minimum area of 8,000 square feet located within the first 134 feet of the front property line. Proposed is 7,303 square feet. Ordinance allows a maximum eave height of 22 feet. Proposed 26.3 feet. **Application deemed complete February 15, 2019. 120 day decision date is June 15, 2019.**

Joshua Koodray, Esq (370 Chestnut Street, Union) appeared on behalf of the applicant. Mr. Koodray stated this property is located in the RM-6 zone, which allows single family and two-family homes. The existing home is a two-family and the applicant is looking to maintain that use. The house was built in the 1920s and is beyond its viable use. The applicant is looking to demolish the home and construct a new two-family home with a detached garage.

Chairman Masciale swore in Steven Hockstein (281 Main Street, Millburn). The Board accepted Mr. Hockstein as licensed architect/home inspector.

Mr. Hockstein stated the initial goal was to renovate the existing home, but after inspecting it, the foundation is failing, all the systems need to be replaced, the structure is comprised, and the stairways are not safe. It was decided it would be a better option to replace the house with a new two-family home. Mr. Hockstein went through the plans with the Board, referring to sheet A-2, he stated because of the narrowness of the lot, we took a different approach, and are proposing a front to back two family. A color rendering was marked as Exhibit A-1. The home was designed to look like a single-family home to maintain the character of the street. Each unit will be less than 1,300 square feet and will be set up the same. This first floor will include a kitchen, dining room, and great room. The second floor has two bedrooms and a bathroom. There is an attic which has another bedroom and bathroom, and the basement will be finished with a play area, laundry area, and bathroom. A two-car detached garage is proposed. Mr. Hockstein stated the building is under the maximum building coverage and f.a.r. If the lot was wider and in

conformity, the roof line could come down and a variance would not be required for the eave height.

Opened to public questions. None. Closed to the public questions.

Chairman Masciale swore in Anthony Gallerano (320 North Avenue East, Cranford). The Board accepted Mr. Gallerano as a licensed engineer/planner.

Mr. Gallerano marked a colorized copy of the proposed plot plan as Exhibit A-2. He stated the property currently contains a two-family dwelling and detached garage that are not in good shape, and will be demolished. The property is in the RM-6 zone, and the lot is undersized. A new 2 family home and garage are proposed, and the garage will be accessed by a driveway situated on the left side of the property. Other improvements proposed are a 6-foot vinyl fence, a seepage pit for stormwater runoff, and new curbs and sidewalks along the front of the property. There are 4 C2 variances being requested. The minimum lot area required for a two family is 8,000 square feet, and the existing lot size is 7,303 square feet. The minimum lot width required is 60 feet, and the existing width is 54.5 feet. The minimum lot frontage required is 60 feet and the existing frontage is 54.5 feet, and an additional variance is required for the eave height. The maximum height allowed is 22 feet, and the proposed eave height is 26.3 feet. A google earth image of the property was marked as Exhibit A-3. Mr. Gallerano stated he highlighted all the two-family dwellings and all the two-family dwellings on undersized lots. The analysis was done between South Avenue and Halstead Avenue which included 40 residential lots. There are 27 two-family homes, and out of the 27 two-family homes, 24 of them are on undersized lots. The undersized lots vary greatly in size. The variances can be granted without any substantial detriment as there is an existing two family being replaced with a better two-family structure. The subject lot is larger than some of the undersized lots provided in the analysis, and is closer to conformity. The proposed two-family structure meets all the setback and coverage requirements, and is an appropriate scale and size. The eave for the main roof is under the maximum 22 feet. The violation is for the dormers, which are an architectural feature and will add to the aesthetics and enhance the structure itself. It is only the upper dormer that needs the variance, as the main roof is in compliance. Mr. Gallerano stated the application can be granted as all the benefits outweigh any detriment, and there will not be any negative impact on the surrounding area or the zone plan.

Open to public questions and comments. None. Closed to the public questions and comments.

The Board liked the front/back design and how it appears to look like a single-family home. Most of the variances being requested are pre-existing, and the eave height which is masked, is more of an architectural feature and the third floor could not be used without it. The conditions being imposed are the building will be constructed in conformity with the plans, the basement of each of the units should not be used as a bedroom, and a drainage plan will be submitted and approved by the Town Engineer.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve the application with above conditions; Allyson Hroblak seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Eldy Pavon and James Keenoy

Motion carried.

Application approved.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:44 pm.

Respectfully submitted,

Linda Jacus  
Board Secretary